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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,801	09/22/2000	Timothy J. Williams	0325.00417	2047
21363	7590	05/07/2004	EXAMINER	
CHRISTOPHER P. MAIORANA, P.C. 24840 HARPER ST. CLAIR SHORES, MI 48080			CAO, CHUN	
		ART UNIT	PAPER NUMBER	
		2115	4	
DATE MAILED: 05/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/668,801	WILLIAMS, TIMOTHY J. <i>fr</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chun Cao	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 September 2000.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2,3</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-20 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.

#### ***Specification***

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 recites the limitation "the Universal Serial bus protocol " in lines 2-3.

There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-20 rejected under 35 U.S.C. 102(e) as being anticipated by Williams et al. (Williams), US patent no. 6,407,641.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claim 1, Williams discloses an apparatus comprising:

a circuit configured to generate an output having a frequency [col. 2, lines 40-47] and adjust said frequency in response to a measured duration of a known time interval [started and stopped by the relevant edges of the USB traffic] associated with an input data stream [col. 1, lines 49-59; col. 3, lines 50-55].

As per claim 2, inherently, Williams discloses that the input data stream comprises one or more of said time intervals [col. 3, lines 50-55].

As per claim 3, Williams discloses that time intervals are delimited by periodic events in said data stream [col. 3, lines 50-55].

As per claim 4, Williams discloses that events comprise start-of-frame (SOF) packets of a Universal Serial bus protocol [col. 3, line 64-col. 4, line 16].

As per claim 5, inherently, Williams teaches of adjusting the frequency within 0.25% of a host data rate [col. 5, line 64-col. 6, line 6].

As per claim 6, Williams discloses that the circuit comprises a calibration circuit and an oscillator circuit [fig. 1; col. 2, lines 19-24].

As per claim 7, Williams discloses a digitally tunable oscillator [fig. 1].

As to claims 8 and 9, inherently, Williams discloses a calibration circuit comprises a detector circuit for detecting a SOF packet [edge detector, col. 4, liens 29-43].

As per claim 10, Williams discloses the calibration circuit comprises one or more counters [col. 4, lines 29-43].

As per claim 11, Williams discloses counters are configured to start counting in response to a first SOF packet and counting in response to a second SOF packet [col. 4, lines 29-43].

As per claim 12, Williams discloses counters are configured to count in response to said output [col. 3, lines 51-55].

As per claim 13, Williams discloses calibration circuit comprises a look-up table [col. 4, lines 53-67].

As per claim 14, Williams discloses the look-up table containing a number of values for adjusting frequency [col. 5, lines 1-23].

As per claim 15 is written in means plus function format and contains the same limitations as claim 1, therefore, the same rejection is applied.

As to claims 16-20, Williams teaches the claimed system. Therefore, Williams teaches the claimed method of steps to carry out the system.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Henson, US patent no. 6,158,014, teaches a method for adjusting a clock frequency to match an input data rate of a bitstream [col. 2, lines 18-46].

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao at (703) 308-6106. The examiner can normally be reached on Monday-Friday from 7:30 am - 4:00 pm. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor Thomas Lee can be reached at (703) 305-9717. The fax number for this Art Unit is following: Official (703) 872-9306.

Art Unit: 2115

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.



Chun Cao

May 3, 2004